All communications respecting this case should identify it by number and names of parties.

U.S. DEPARTMENT OF COMMERCE
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Opposition No. 68,888

Universal City Studios, Inc.

v.

Nintendo of America Inc.

MAILED

SEP 10 1984

PAT. & T. M. OFFICE

This case now comes up on applicant's motion to suspend this proceeding pending the outcome of a civil action between the parties now in the United States District Court for the Southern District of New York.(1) Opposer filed a response thereto agreeing that proceedings herein should be suspended.

Applicant filed copies of the pleadings in the civil action. It appears that the civil suit, which is the basis of applicant's motion to suspend, may well have a bearing on

(1) The decision of the United States District Court granting defendant's (applicant herein) motion for summary judgment has been appealed to the United States Court of Appeals for the Second Circuit, which appeal is now pending.

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the issues involved in this opposition proceeding. That is, the civil action will have a bearing on the question of applicant's right to register the designation "DONKEY KONG" which is the central question in this opposition proceeding.

Under these circumstances, it is believed that the proper course of action is to suspend all proceedings herein pending the final determination of the civil case.

Accordingly, applicant's motion to suspend proceedings is granted. Proceedings herein are suspended until termination of the civil suit. Within twenty days after termination of that case, the interested party should call up this opposition proceeding for appropriate action.

Beth Chapman

Beth A. Chapman
Attorney-Examiner, Trademark
Trial and Appeal Board